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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,280	07/28/2003	Kenneth S. Goss	1580.0200011	5186
7590 Raymond M. Galasso Simon, Galasso & Frantz PLC P.O. Box 26503 Austin, TX 78755-0503		EXAMINER HOSSAIN, TANIM M		
		ART UNIT 2445		
		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/628,280

Applicant(s)

GOSS ET AL.

Examiner

Tanim Hossain

Art Unit

2445

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 and 35-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 18-34, 43-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 18-34, and 43-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouchier (U.S. 6,725,317) in view of Johnson (U.S. 2002/0042896).

As per claim 1, Bouchier teaches a method for facilitating system management in a data processing system, comprising: tracking status information of a primary system component of a platform side operating system in a data processing system, wherein said tracking is facilitated by a service processor of the data processing system (Abstract; column 2, lines 37-59), wherein a redundant system component is configured for providing functionality provided by the primary system component (column 3, lines 7-10); and configuring the platform-side operating system dependent at least partially upon said status information of at least one of said system components, wherein said configuring includes determining if the primary system component is incapable of providing said functionality and allowing said functionality to be provided by the redundant system component in response to determining that the primary system component is incapable of providing said functionality, wherein said configuring is facilitated at least partially by platform firmware of data processing system (column 6, lines 27-67; columns 14, lines 40-49;

column 17, lines 20-31). Though suggested, Bouchier does not specifically teach that the status information of the redundant system component is tracked simultaneously with the primary system component. Johnson teaches the simultaneous monitoring of primary and redundant system components (Abstract, 0032, 0060-0063, 0111-0116). It would have been obvious to one of ordinary skill to include the ability to simultaneously monitor system components, as taught by Johnson in the system of Bouchier. The motivation for doing so lies in the fact that simultaneous monitoring would enable the system to discern the health of all components, so as to determine whether a switchover from one component to another would be advisable, for example. Both inventions are from the same field of endeavor, namely the monitoring of operating system components.

As per claim 2, Bouchier-Johnson teaches the method of claim 1 wherein said tracking includes: probing a device driver associated with the system component (Johnson: 0006); and receiving said status information from the device driver (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 3, Bouchier-Johnson teaches the method of claim 1, further comprising: enabling access of at least a portion of said status information of at least one of said system components by said platform firmware for enabling said configuring to be facilitated, wherein said enabling access is facilitated by the service processor (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 4, Bouchier-Johnson teaches the method of claim 3 wherein: said platform firmware includes boot-time firmware (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); and said enabling access includes transmitting at least a portion of said status

information of at least one of said system components at boot-time by the service processor for reception by said boot-time firmware (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 5, Bouchier-Johnson teaches the method of claim 4 wherein said transmitting includes transmitting over a network connection (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 6, Bouchier-Johnson teaches the method of claim 3 wherein: said platform firmware includes run-time firmware (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); and said enabling access includes maintaining at least a portion of said status information of at least one of said system components in a persistent data structure that is accessible by said run-time firmware thereby enabling said run-time firmware to access at least a portion of said status information of at least one of said system components (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 7, Bouchier-Johnson teaches the method of claim 1 wherein said tracking includes: querying a device driver associated with the primary system component after an adverse operating system condition for determining if the primary system component contributed to the adverse operating system action and implementing a specified corrective action involving the primary system component in response to a determination that the primary system component contributed to the adverse operating system condition (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 8, Bouchier-Johnson teaches the method of claim 1 wherein said tracking includes: determining that the redundant system component is idle during a present operating

system instantiation (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); monitoring status of the redundant system component during the present operating system instantiation (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); and implementing a specified corrective action involving the redundant system component in response to a determination that the redundant system component is at least temporarily unable to provide intended redundancy functionality (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 9, Bouchier-Johnson teaches the method of claim 1, further comprising: receiving user-specified configuration information via a service processor based user interface (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); and transmitting at least a portion of said user-specified configuration information by the service processor for reception by said platform firmware (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); wherein said configuring is further dependent at least partially upon said user-specified configuration information (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

Claims 26-34 are rejected on the same bases as claims 1-9, as the instant claims disclose limitations similar to the earlier claims.

As per claim 18, Bouchier-Johnson teaches a method for facilitating system management in a data processing system, comprising: accessing status information of a primary system component of a platform-side operating system in a data processing system (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); accessing status information of a redundant

system component of the platform-side operating system in the data processing system in combination with accessing said status information of the primary system component, wherein the redundant system component is configured for providing functionality provided by the primary system component (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); and configuring the platform-side operating system dependent at least partially upon said status information of at least one of said system components (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); wherein said accessing and at least a portion of said configuring are facilitated by platform firmware of data processing system (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 19, Bouchier-Johnson teaches the method of claim 18 wherein said accessing is facilitated in response to said status information of at least one of said system components being transmitted by a service processor of the data processing system for reception by said platform firmware (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 20, Bouchier-Johnson teaches the method of claim 18 wherein: said platform firmware includes boot-time firmware; and said accessing includes receiving at least a portion of said status information at boot-time (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 21, Bouchier-Johnson teaches the method of claim 20 wherein said accessing includes receiving at least a portion of said status information of at least one of said system components via a network connection (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 22, Bouchier-Johnson teaches the method of claim 18 wherein: said platform firmware includes run-time firmware; and said accessing includes accessing at least a portion of said status information of at least one of said system components in a persistent data structure maintained at least partially by the service processor and accessible by said run-time firmware (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 23, Bouchier-Johnson teaches the method of claim 18, further comprising: receiving user-specified configuration information transmitted by the service processor for reception by the platform firmware, wherein said configuring is further dependent at least partially upon said user-specified configuration information (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 24, Bouchier-Johnson teaches the method of claim 18, wherein: said configuring includes implementing a specified corrective action for the particular redundant system component in response to said status information of the redundant system component indicating that the particular redundant system component is unavailable to provide intended redundancy functionality (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 25, Bouchier-Johnson teaches the method of claim 24 wherein the specified corrective action includes at least one of issuing notification of the unavailability of the redundant system component and issuing notification to repair or replace the redundant system component for maintaining fail-over capability (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

Claims 43-50 are rejected on the same bases as claims 18-25, as the instant claims disclose limitations similar to the earlier claims.

Response to Arguments

Applicant's arguments filed on May 22, 2008 have fully been considered and are respectfully traversed by the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is (571)272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571/272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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